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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,694	04/08/2008	Neil John Barrett	U 016438-3	9650

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EXAMINER	
GONZALEZ, PAOLO	
ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
09/29/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

nyuspatactions@ladas.com

Office Action Summary	Application No.	Applicant(s)	
	10/589,694	BARRETT ET AL.	
	Examiner	Art Unit	
	PAOLO GONZALEZ	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 August 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/17/2006, 01/09/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 08/17/2006 and 01/09/2007 is being considered by the examiner. It is noted that the foreign document DE 4127179 of IDS submitted on 08/17/2006 is being considered as to what is being disclosed in the International Search Report of PCT/AU2005/000271.

Drawings

3. Figure 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Abstract//Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because the abstract contains legal phraseology, such as "comprises" (see Abstract, lines 6 and 14). Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities:

- Reference characters "165" and "190" have both been used to designate "remote computer" (see page 6, lines 28-29 and page 7, line 4).
- The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method and Apparatus for Environmental Control Accordingly to Temperature Perceived by Chickens.

Appropriate correction is required.

Claim Objections

7. Claims 6-7, 10-21, 34-35, 37, 39-41, and 43 are objected to because of the following informalities:

Claim 6 recite the limitation "and said sate" in line 2. Delete the term "sate" to correct obvious mistake.

Claims 10 and 40 recite the limitation "a processing unit couple to said memory" in line 5. Change the term "a" with the term --the-- in line 5 for clarity.

Claim 33 recite the limitation "and a, b, c, d, a -and p are values -dependent" in line 3. Change this limitation to read as follow: --and a, b, c, d, e and p are values dependent-- in line 3 to correct obvious mistake.

Claims 37, 39, 41, and 43 recite the limitation "and a, b, c, d, a and p are values dependent" in line 3. Change this limitation to read as follow: --and a, b, c, d, e and p are values dependent-- in line 3 to correct obvious mistakes.

Claims 7, 11-21, and 34-35 are objected for incorporating the above deficiency from their respective parent claim by dependency.

The above is an indicative, but not necessarily an exhaustive, list of claim objections, problems. Applicant is therefore advised to carefully review all the claims for additional problems. Correction is required of all the claim objections problems, whether or not these were particularly pointed out above.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 22-31, 36-37, and 42-43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 22 and 42 recite a "computer readable medium" having a computer program/code recorded therein that performs various functions. In the Specification of the present application, the "computer readable medium" is not expressly defined (see page 8, lines 11-12), thus the "computer readable medium" can be interpreted as including transmission media (e.g. signal, carrier wave, etc). Thus, the recited "computer readable medium" is not a "process," a "machine," a "manufacture" or a "composition of matter," as defined in 35 U.S.C. 101. Accordingly, claims 22 and 42 fail to recite statutory subject matter under 35 U.S.C. 101.

Claims 23-31, 36-37, and 43 merely recites either additional functions performed by the instruction or additional descriptions of electronic data. Accordingly, claim 23-31, 36-37, and 43 fail to recite statutory subject matter under 35 U.S.C. 101

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Federspiel et al. (U.S. Pat. 5,170,935).

Regarding claims 10-12, Federspiel et al. teach in figures 3-5 an apparatus (Elements shown in figure 3 constitute the apparatus: HVAC System 10; controller 50; plurality of sensors 62-68; user interface 56, and respective connection to controller 50, etc.) for controlling environmental parameters in a defined environment (see abstract, lines 1-3), said apparatus comprising: a memory unit (53) capable of storing data and instructions to be performed by a processing unit (51); and the processing unit (51) coupled to said memory unit (53) (see figure 3), said processing unit (51) programmed to: obtain (through sensors 62, 64, and 66) measured values of temperature, relative humidity, and wind velocity relating to said environment (see Figure 3 and Figure 5, step 110; Col. 12, lines 10-26); convert values of temperature measured at corresponding values of relative humidity to values of perceived temperature (V, comfort index) at a constant reference value of relative humidity (see figures 5, step 120; Col. 2, lines 12-15;

Col. 6, lines 52-62; where it is recited that V= comfort index, which is used to calculate a predicted thermal sensation rating which rating corresponds to a particular thermal comfort level. Also see Col. 7, line 64 to Col. 8, line 18; where it is recited the used of a constant reference value of relative humidity (vapor pressure = humidity, see Col. 12, line 24) to calculate perceived temperature (V, comfort index); and see Col. 12, lines 52-67); where it is recite calculating perceived temperature (V, comfort index) based on input from sensors 62, 64, 66, etc. Therefore, it is implicitly understood that the controller (50), which contains the processing unit (51) is converting values of temperature measured at corresponding values of relative humidity to values of perceived temperature (V, comfort index) at a constant reference value of relative humidity); and provide said values of perceived temperature (V, comfort index) for controlling said environmental parameters (see figure 5; Col. 12; line 59 to Col. 13, line 9). Federspiel et al. further teach in figure 3 and 4 further comprising an interface (56) for providing said values of perceived temperature (V, comfort index) to an environmental controller (50) (see figures 3 and 4; Col. 13, lines 13-49); and a controller (50) for controlling said environmental parameters in response to said values of perceived temperature (V, comfort index) (see Col. 11, lines 59-67; Col. 12, line 59 to Col. 11, line 9). In regards to claim 1, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process. *Ir re King*, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986). Thus, the method, as claimed, would necessarily result from the normal operation of the apparatus.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timmons (U.S. Pat. Re. 33,600) in view of Federspiel et al. (U.S. Pat. 5,170,935) and further in view of NPL document ("Effective Temperature for Chicks & Broilers" by Ventilation-R. Barnwell) (hereinafter as Barnwell).

Assuming arguendo, that applicant does not agree with the rejection of claims 1 and 10-12 as recited above, claims 1 and 10-12 are being further rejected as recited below.

Regarding claims 1, 10, 22-23, 38, 40, and 42, Timmons teaches in figures 1-9 an apparatus / steps (see figures 1 and figures 6-9) for controlling environmental parameters in a defined environment, which comprises a chicken house (10) (see abstract, lines 1-4; Col. 1, lines 11-15; Col. 8, lines 14-15), said apparatus comprising: an environmental controller (40); a

memory unit (86, 87) capable of storing data and instructions to be performed by a processing unit (41) (see figure 4); and the processing unit (41) coupled to said memory unit (86, 87) (see figure 4); said processing unit (41) programmed to: obtain measured values of temperature , relative humidity, and wind velocity relating to said environment (see Figures 1, 2, 4, and 6-9; Col. 8, lines 55-64; Col. 9, lines 16-18; Col. 11, lines 8-9 and lines 20-29; Col. 15, lines 2-14; where it is recited that the system takes into account the speed and direction of the wind; thus it is implicitly understood that the processing unit 41 is obtaining wind velocity; Col. 11, lines 43-46 and lines 65-68). Timmons further teaches wherein the processing unit (41) calculates a rate of ventilation VT which is required to maintain the interior temperature at each of a plurality of temperature increments between a maximum and minimum values which are safe for the chickens and that the processing unit (41) further calculates for each temperature increment a ventilation rate (VH) needed to control the moisture level of the interior air so as to produce the air relative humidity preselected by input 64 (a constant reference value of relative humidity). The calculation of VH is further dependent on the outside air dew point (see Col. 13, lines 49-66); thus the ventilation rates are determined by the temperature and humidity parameters (see Col. 15, lines 9-10) and as a function on characteristics of the chickens, such as age and weight of said chickens (see figures 6 and 8, steps 104 and 134; Col. 15, lines 35-45; Col. 16, lines 21-44). Timmons further teaches that based on the ventilation rates VT or VH, the processing unit (41) will control (activate and/or de-activate) fans (30, 31, and 32) and related equipment (heaters 34, 35, 36) in said chicken house (10) (see Col. 8, lines 55-60; Col. 9, lines 6-15; Col. 10, line 68 to Col. 11, line 3; Col. 11, lines 35-37Col. 14, lines 1-5; Col. 15, lines 9-25).

However, Timmons fails to explicitly recite wherein the processing unit convert values of temperature measured at corresponding values of relative humidity to values of perceived temperature at a constant reference value of relative humidity; nor provide said values of perceived temperature for controlling said environmental parameters; nor wherein the processing unit is programmed to determine wind chill as a function of said measured values of temperature and wind velocity, and at least one characteristic of chickens in said chicken house; nor determine values of perceived temperature at a constant reference value of relative humidity as a function of corresponding wind chill-compensated values of temperature measured at corresponding values of relative humidity and at least one characteristic in said chicken house; and nor controlling said environmental parameters in response to said values of perceived temperature.

Nevertheless, Federspiel et al. teach in figures 3-5 an apparatus (Elements shown in figure 3 constitute the apparatus: HVAC System 10; controller 50; plurality of sensors 62-68; user interface 56, and respective connection to controller 50, etc.) for controlling environmental parameters in a defined environment (see abstract, lines 1-3), said apparatus comprising: a memory unit (53) capable of storing data and instructions to be performed by a processing unit (51); and a processing unit (51) coupled to said memory unit (53) (see figure 3), said processing unit (51) programmed to: obtain (through sensors 62, 64, and 66) measured values of temperature, relative humidity, and wind velocity relating to said environment (see Figure 3 and Figure 5, step 110; Col. 12, lines 10-26); convert values of temperature measured, , relative humidity, and wind velocity to values of perceived temperature (V, comfort index) (see figures 5, step 120; Col. 2, lines 12-15; Col. 6, lines 52-62; where it is recited that V= comfort index,

which is used to calculate a predicted thermal sensation rating which rating corresponds to a particular thermal comfort level. Also see Col. 7, line 64 to Col. 8, line 18; where it is recited the used of a constant reference value of relative humidity (vapor pressure = humidity, see Col. 12, line 24) to calculate perceived temperature (V, comfort index); and see Col. 12, lines 52-67); where it is recite calculating perceived temperature (V, comfort index) based on input from sensors 62, 64, 66, etc. Therefore, it is implicitly understood that the controller (50), which contains the processing unit (51) is converting values of temperature measured at corresponding values of relative humidity to values of perceived temperature (V, comfort index)); and provide said values of perceived temperature (V, comfort index) for controlling said environmental parameters (see figure 5; Col. 12; line 59 to Col. 13, line 9).

Furthermore, Barnwell teaches that poultry companies should work actively with the effective/perceived temperature concept, which is to temperature that the chickens really feel (see page 1, 1st paragraph). Barnwell further teaches wherein the effective/perceived temperature = Dry Bulb Temperature with Relative and Air Speed (Wind Chill Index) across the chickens (see page 1, figure) and Barnwell further teaches how to determined what should be the airspeed for the chickens to feel comfortable with using temperature and relative humidity values (see page 2, top figure) and how to determine effective temperature (°F + RH% = Index) and how to interpret this index in accordance to the health of the chickens (see page 2, bottom figure).

One of ordinary skill in the art would recognized that it is well known and a scientific principle the equation on how to calculate wind chill values, which is dependant on ambient temperature and wind speed. Therefore, Official Notice is taken that is old and well known how

to calculate a wind chill value based on measured values of temperature and wind velocity (see as evidence NPL document titled "Calculating Windchill Values").

Therefore, since Timmons uses a controller that is measuring environmental parameter within a chicken house and using these parameters to calculate another value based on the environmental parameters and based on the chickens characteristics; and since Federspiel et al. teaches a controller applying the control technique of calculating an effective temperature based on measured values of temperature, relative humidity, and wind velocity relating to said environment (see Figure 3 and Figure 5, step 110; Col. 12, lines 10-26) and to control environmental parameters within the conditioned room by activating an HVAC system (see figure 3 and 5, steps 110, 120, and 130); and since Barnwell teaches the how important is to control the environment of a poultry house using the effective temperature and since Barnwell further teaches how to calculate the air speed and effective temperature for the chickens to feel comfortable; and since it is old and well known the equation of determining wind chill; Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Timmons's controller to include the teachings in view of Federspiel et al. and Barnwell so as to have the processing unit of the controller in view of Timmons program to calculate an effective/perceived temperature value based on environmental parameters (temperature, relative humidity, wind velocity, wind chill) and/or based on a characteristic (age and/or weight) of said chickens and to control fans and related equipment based on this effective/perceived temperature value so as to obtain the maximum of feed energy into growth (GPD) of the chickens in order to have the chicken use the GPD to grow and not to maintain their (chickens) body temperature; thus reducing mortality rate of the chickens; also so

as to improve the control system of a chicken house by having a adaptive control that is inputting real time variables into its control algorithm in order to control environmental parameter within a room so as to improve the comfort level of the occupant(s), thus making the system more reliable since the accuracy of the system is improve due to adaptability feature; and so as to make the system more energy efficient by activating the equipment only when is need to control the environmental conditions of the chicken house, thus reducing the cost to run the poultry.

In regards to the limitation of having a computer program product having a computer readable medium having the steps for controlling environmental parameters in a defined environment as recited above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a computer program product having a computer readable medium having the steps as recited above so as to have the expected result of storing the computer-executable instructions so as to be able of transferring and/or uploading the computer-executable instructions into another device located in another location.

Regarding claims 2, 13, and 24, Timmons as modified teach the invention as recited above, Timmons further teaches wherein said defined environment comprises a chicken house (10) (see abstract, lines 1-4; Col. 1, lines 11-15; Col. 8, lines 14-15); and Barnwell further teaches wherein said perceived temperature is representative of a temperature perceived by the chickens in said chicken house (see page 1, 1st paragraph).

Regarding claims 3, 8, 14, 19, 25, and 30, Timmons as modified teach the invention as recited above, Timmons further teaches the control technique of calculating a ventilation rate (VH) as a function on characteristics of the chickens, such as age and weight of said chickens (see figures 6 and 8, steps 104 and 134; Col. 15, lines 35-45; Col. 16, lines 21-44). Thus,

Timmons as modified teach wherein said perceived temperature is a function of a characteristic of said chickens.

Regarding claims 4, 15, and 26, Timmons as modified teach the invention as recited above, Timmons further teaches wherein step of controlling comprises activating and de-activation of fans (30, 31, and 32) and related equipment (heaters 34, 35, 36) in said chicken house (see Col. 8, lines 55-60; Col. 9, lines 6-15; Col. 10, line 68 to Col. 11, line 3; Col. 11, lines 35-37Col. 14, lines 1-5; Col. 15, lines 9-25).

Regarding claims 5, 16, and 27, Timmons as modified teach the invention as recited above, and Timmons further teaches the step of wherein the processing unit (41) calculates an optimum inside temperature and an optimum operation based on data provided by inputs 60, 62, and 64, which are characteristic of said chickens, such as age of the chickens (see Col. 9, lines 53-58; Col. 10, lines 27-31; Col. 11, lines 30-37; Col. 12, lines 14-51; Col. 15, lines 35-45; Col. 16, lines 21-44); and Timmons further teaches the control algorithm of calculating a rate of ventilation VT which is required to maintain the interior temperature at each of a plurality of temperature increments between a maximum and minimum values which are safe for the chickens (see Col. 13, lines 56-61). Moreover, Barnwell further teaches calculating hot (Index #170) and cold (Index #150) stress limits (Index #) for said chickens based on said a perceived temperature (see page 2, figure on the bottom),

However, Timmons as modified fail to explicitly recite calculating an optimum perceived temperature based on a characteristic of said chickens; and wherein said hot and cold stress limits correspond to temperature values above and below said optimal perceived temperature, respectively.

Since Timmons teaches the control technique of calculating an optimum value based on characteristic of said chickens and the control algorithm of having an upper and lower value of temperature to maintain an interior temperature; It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Timmons as modified to use the control techniques as recited above to calculate an optimum perceived temperature based on a characteristic of said chickens and to have said hot and cold stress limits correspond to temperature values above and below said optimal perceived temperature, respectively, so as to assure the safety of the chickens, and so as reduce mortality rate of the chickens, thus so as to increase the production of the chickens.

Regarding claims 6, 17, and 28, Timmons as modified teach the invention as recited above, and Barnwell further teaches calculating stress levels (Index #) experienced by said chickens as a function of said stress limits and said perceived temperature (see page 2, figure on the bottom),

Regarding claims 7, 18, and 29, Timmons as modified teach the invention as recited above, and Barnwell further teaches calculating a value of accumulated stress (Index #) of said chickens (see page 2, figure on the bottom). Moreover, Barnwell further teach the importance of keeping an optimum air speed, humidity and temperature over the chickens during different time period of growth (first 14 days, first 21 days, over 28 days) of the chickens (production cycle) (see page 1, lines 10-15).

However, Timmons as modified fail to explicitly recite calculating the value of accumulated stress of the chickens during a production cycle.

Nevertheless, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Timmons as modified to calculate a value of accumulated stress of the chickens during a production cycle so as to improve the comfort level of the chickens, thus so as to obtain the maximum of feed energy into growth (GPD) of the chickens instead of using the GPD to maintain their (chickens) body temperature.

Regarding claims 9, 21, and 31, Timmons as modified teach the invention as recited above, and Federspiel et al. further teaches wherein said perceived temperature (V, comfort index) comprises a temperature perceived by a living being in said defined environment, said living being selected from the group of living beings: human beings (see Col. 2, lines 9-41; Col. 6, lines 52-58; Col. 11, lines 62-67).

Regarding claim 11, Timmons as modified teach the invention as recited above, and Timmons further teaches comprising an interface (76, 78, 80) capable of providing data being supplied (such as temperature inside and outside the chicken house) to the environmental controller (40) (see Col. 63-68; and Col. 11, lines 41-46 and lines 65-68).

Regarding claim 12, Timmons as modified teach the invention as recited above, and Federspiel et al. further teach comprising controller (50) capable of controlling said environmental parameters in response to said values of perceived temperature. (see figure 3).

Regarding claim 20, Timmons as modified teach the invention as recited above, and Timmons further teaches in figures 1, 2 and 4 further comprising a manual input (91, 92, 94) for a user to input an indication of prevailing environmental conditions based on a visual observation of said defined environment (10) (see Col. 10, line 58 to Col. 11, line 13).

Regarding claims 32, 34, and 36, please see rejection of claims 1, 10, 22-23, 38, 40, and 42 since the claims recite similar subject matter.

Regarding claims 33, 35, 37, 39, 41, and 43, Timmons as modified teach the invention as recited above, yet Timmons as modified fails to explicitly recite wherein said wind chill (WC) is calculated accordingly to the equation $WC = V^{p}(a + bT + cT^{2} + dT^{3} + eT^{4})$, wherein T = measured temperature, V = wind velocity, and a, b, c, d, e and p are values dependent upon occupants of said defined environment.

One of ordinary skill in the art would recognized that it is well known and a scientific principle the equation on how to calculate wind chill values, which is dependant on ambient temperature and wind speed. Therefore, Official Notice is taken that is old and well known how to calculate a wind chill value based on measured values of temperature and wind velocity (see as evidence NPL document titled "Calculating Windchill Values").

Since Timmons as modified do, however, disclose a formula for calculating a value of wind chill (see Barnwell and Official Notice as recited above). Therefore, the value of wind chill is recognized as a result-effective variable, i.e. a variable which achieves a recognized result. In this case, the recognized result is the temperature perceived by a living being (chickens). Therefore, since the general conditions of the claim, i.e. use a formula to calculate wind chill, were disclosed in the prior art by Timmons as modified, it is not inventive top discover the optimum workable value by routine experimentation, and it would have been obvious to one of ordinary skill in the art at the time of the invention was made to change the constants in the original formula of wind chill (as seen in NPL document titled "Calculating Windchill Values")

with real time parameters of occupants so as to improve the control algorithm of the controller, since the controller is taking into account parameters of the occupants within the environment.

In regards to the limitation of **claims 23-31, 36-37 and 43** of having a computer program product having a computer readable medium having the steps for controlling environmental parameters in a defined environment as recited above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a computer program product having a computer readable medium having the steps as recited above so as to have the expected result of storing the computer-executable instructions so as to be able of transferring and/or uploading the computer-executable instructions into another device located in another location.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Calculating Windchill Values" by Bob Rilling, National Center for Atmospheric Research, 2 pages, February 12, 1996.

U.S. Pat. 4,700,887 by Timmons teach an environmental control system for poultry houses.

U.S. Pub. 2004/0065268 A1 by Terrell et al. disclose a livestock cooling system using various environmental conditions, including temperature, humidity, and wind velocity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAOLO GONZALEZ whose telephone number is (571)270-1490. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on (571)272-4834 or Frantz Jules can be reached on (571)272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAOLO GONZALEZ/
Examiner, Art Unit 3744

/Cheryl J. Tyler/
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